

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 104

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO COORDINATED FAMILY SERVICES; AMENDING SECTION 32-1402, IDAHO CODE, TO PROVIDE THAT A DOMESTIC VIOLENCE COURT COORDINATOR IS AN EFFECTIVE RESPONSE TO ADDRESS THE NEEDS OF FAMILIES AND CHILDREN; AMENDING SECTION 32-1407, IDAHO CODE, TO PROVIDE THAT A DOMESTIC VIOLENCE COURT COORDINATOR SHALL SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY CHECK; AMENDING CHAPTER 14, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1408, IDAHO CODE, TO PROVIDE A STATEMENT OF POLICY RELATING TO DOMESTIC VIOLENCE COURTS; AMENDING CHAPTER 14, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1409, IDAHO CODE, TO PROVIDE FOR DOMESTIC VIOLENCE COURTS; AND AMENDING CHAPTER 14, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1410, IDAHO CODE, TO PROVIDE FOR DOMESTIC VIOLENCE COURT FEES AND THE DISTRIBUTION OF DOMESTIC VIOLENCE COURT FEES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 32-1402, Idaho Code, be, and the same is hereby amended to read as follows:

32-1402. DECLARATION OF PURPOSE. The legislature declares that an effective response to address the needs of families and children in resolving these disputes would include the following:

(1) Case management practices that provide a flexible response to the diverse court-related needs of families involved in multiple court cases which will promote the efficient use of time and resources of the parties and the court, and avoid conflicting court orders;

(2) The expansion of available nonadversarial methods of dispute resolution, including mediation of child custody and visitation disputes and alternative dispute resolution assessments;

(3) Coordination of family dispute issues with related litigation involving the juvenile correction laws and criminal laws;

(4) A family court services coordinator to assist families in need to connect with appropriate resources for the family, to provide assessment information to the court to assist in early case resolution, and to conduct workshops which will educate the parties on the adverse impact of high conflict family disputes upon children, identify the developmental needs of children, and emphasize the importance of parenting plans and mediation techniques which peacefully resolve child custody and visitation issues;

(5) A court assistance officer to provide assistance to parties without legal representation to help them understand the legal requirements of the court system, including educational materials, court forms, assistance in completing court forms, information about court

procedures, and referrals to public and community agencies and resources that provide legal and other services to parents and children;

(6) A domestic violence court coordinator to assist in the effective operation of a domestic violence court and to serve victims and families involved in domestic violence court proceedings;

(7) Supervised visitation by trained providers to assure the safety and welfare of children in cases where certain risk factors are identified; and

(78) The adoption of other methods and procedures which will promote a timely and effective resolution of related disputes in court cases involving children and families.

SECTION 2. That Section 32-1407, Idaho Code, be, and the same is hereby amended to read as follows:

32-1407. ~~FAMILY~~ COURT SERVICES COORDINATORS – RECORD CHECKS. Prior to appointment, and at his or her own cost, a family court services coordinator or a domestic violence court coordinator shall submit to a fingerprint-based criminal history check through any law enforcement office in the state providing such a service. The criminal history check shall include a statewide criminal identification bureau check, federal bureau of investigation criminal history check, child abuse registry check, adult protection registry check and statewide sex offender registry check. A record of all background checks shall be maintained in the office of the supreme court of the state of Idaho.

SECTION 3. That Chapter 14, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 32-1408, Idaho Code, and to read as follows:

32-1408. DOMESTIC VIOLENCE COURTS – STATEMENT OF POLICY. The legislature finds that:

(1) Domestic violence is a serious crime that causes substantial damage to victims and children, as well as to the community. Families experiencing domestic violence are often involved in more than one (1) court proceeding including divorce and custody cases, as well as civil and criminal proceedings regarding domestic violence, substance abuse and child protection. Substantial state and county resources are required each year for the incarceration, supervision and treatment of batterers.

(2) Domestic violence courts hold offenders accountable, increase victim safety, provide greater judicial monitoring and coordinate information to provide effective interaction and use of resources among the courts, justice system personnel and community agencies. Effective case management and coordination ensure that decisions in one (1) case do not conflict with existing orders in other civil and criminal cases and provide courts with the necessary information to protect victims and families.

(3) Domestic violence courts have proven effective in reducing recidivism and increasing victim safety. It is in the best interests of the citizens of this state to expand domestic violence courts to each judicial district.

SECTION 4. That Chapter 14, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 32-1409, Idaho Code, and to read as follows:

1        32-1409. DOMESTIC VIOLENCE COURTS. (1) The district court in each county may  
 2 establish a domestic violence court in accordance with the policies and procedures adopted by  
 3 the supreme court based upon recommendations by the committee as authorized pursuant to  
 4 section 32-1403, Idaho Code.

5        (2) The committee shall recommend policies and procedures for domestic violence  
 6 courts addressing eligibility, identification and screening, assessment, treatment and treatment  
 7 providers, case management and supervision, judicial monitoring, supervision of progress and  
 8 evaluation. The committee shall also solicit specific domestic violence court plans from each  
 9 judicial district, recommend funding priorities for each judicial district and provide training to  
 10 ensure the effective operation of domestic violence courts.

11        (3) No person has a right to be admitted into a domestic violence court.

12        SECTION 5. That Chapter 14, Title 32, Idaho Code, be, and the same is hereby amended  
 13 by the addition thereto of a NEW SECTION, to be known and designated as Section 32-1410,  
 14 Idaho Code, and to read as follows:

15        32-1410. DOMESTIC VIOLENCE COURT FEES. (1) Each person who is found guilty  
 16 of or pleads guilty to any of the following alcohol, substance abuse or domestic violence related  
 17 offenses shall pay a thirty dollar (\$30.00) fee to be deposited in the statewide drug court,  
 18 mental health court and family court services fund, as provided in section 1-1625, Idaho Code,  
 19 to assist in funding the domestic violence courts:

- 20        (a) Section 18-918, Idaho Code (domestic violence);
- 21        (b) Section 18-920, Idaho Code (violation of no contact order);
- 22        (c) Section 18-923, Idaho Code (attempted strangulation);
- 23        (d) Section 18-1502, Idaho Code (beer, wine or other alcohol age violations);
- 24        (e) Section 18-2511, Idaho Code (possession of a controlled substance or dangerous
- 25        weapon);
- 26        (f) Section 18-4006 3.(b), Idaho Code (vehicular manslaughter in the commission of a
- 27        violation of section 18-8004 or 18-8006, Idaho Code);
- 28        (g) Section 18-5414, Idaho Code (intentionally making false statements);
- 29        (h) Section 18-8004, Idaho Code (persons under the influence of alcohol, drugs or any
- 30        other intoxicating substances);
- 31        (i) Section 18-8006, Idaho Code (aggravated driving while under the influence of
- 32        alcohol, drugs or any other intoxicating substances);
- 33        (j) Section 23-312, Idaho Code (persons under twenty-one and intoxicated persons –
- 34        inhibited sales);
- 35        (k) Section 23-505, Idaho Code (transportation of alcoholic beverages);
- 36        (l) Section 23-602, Idaho Code (unlawful manufacture, traffic in, transportation and
- 37        possession of alcohol beverage);
- 38        (m) Section 23-603, Idaho Code (dispensing to minor);
- 39        (n) Section 23-604, Idaho Code (minors – purchase, consumption or possession
- 40        prohibited);
- 41        (o) Section 23-605, Idaho Code (dispensing to drunk);
- 42        (p) Section 23-612, Idaho Code (beer, wine or other alcoholic beverages on public school
- 43        grounds);
- 44        (q) Section 23-615, Idaho Code (restrictions on sale);

- 1 (r) Section 23-949, Idaho Code (persons not allowed to purchase, possess, serve,  
2 dispense or consume beer, wine or other alcoholic liquor);  
3 (s) Section 23-1013, Idaho Code (restrictions concerning age);  
4 (t) Section 23-1024, Idaho Code (false representation as being twenty-one or more years  
5 of age a misdemeanor);  
6 (u) Section 23-1333, Idaho Code (open or unsealed containers of wine in motor vehicles  
7 on highways prohibited);  
8 (v) Section 23-1334, Idaho Code (minors - authorization to deliver);  
9 (w) Criminal violation of any of the provisions of chapter 27, title 37, Idaho Code;  
10 (x) Section 39-6312, Idaho Code (violation of order – penalties);  
11 (y) Section 67-7034, Idaho Code (persons under the influence of alcohol, drugs or any  
12 other intoxicating substances); and  
13 (z) Section 67-7114, Idaho Code (operation under the influence of alcohol, drugs or any  
14 other intoxicating substance).  
15 (2) The clerk of the district court shall collect the fees set forth in subsection (1) of this  
16 section. The fees shall be paid over to the county treasurer who shall, within five (5) days after  
17 the end of the month, pay such fees to the state treasurer for deposit into the drug court, mental  
18 health court and family court services fund.